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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,081	11/08/2000	Hiroshi Tanaka	0879-0286P	9588
2292	7590	01/23/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 01/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,081

Applicant(s)

TANAKA ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/2/05 have been fully considered but they are not persuasive. The applicant submits that the prior art does not disclose the following limitations of the claimed invention:

said radio antenna provided outside said camera housing at a portion of said camera where a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of said camera, as claimed in claim 1. The examiner respectfully disagrees.

Examiner's Reply:

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. In response to applicant's argument that the remote control handset of the Gerszberg reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the applicant's camera comprises a communication device with a camera attached and the Gerszberg reference discloses a communication device, the remote control handset, that is relevant the problem of insulting the antenna of the communication device.

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4. In regard to claim 1, the Suso reference discloses the radio antenna (10) provide outside said camera housing at a portion of said camera (see figure 1a) where a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of said camera (see column 4, lines 33-34 and 47-51: It is inherent the a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of said camera, because the device is held by its sides with one hand, as phones are usually operated, or it stood on legs and since the antenna is on the top section of the device where it is not normally held, the user would be conscious of touching or covering it).

The Gerszberg reference also discloses that the antenna may by partially concealed or outside the device (see column 9, lines 32-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, and further in view of Martin et al., US 5,983,119.

In regard to claim 1, Suso et al., 6,069,648, discloses a camera comprising:

a communication device (see figure 1a-c) which allows radio

communication with other unit (see column 1, lines 47-50), the radio antenna (see

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figure 1a, element 10) provided outside said camera housing at a portion of said camera where a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of said camera (see column 4, lines 33-34 and 47-51: It is inherent the a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of said camera, because the device is held by its sides with one hand as phones are usually operated or it stood on legs and since the antenna is on the top section of the device where it is not normally held, the user would be conscious of touching or covering it);

a radio antenna (see figure 1a, element 10), operatively connected with said communication device and outputting and/or receiving radio waves to/from said another unit (see column 3, lines 19-23).

The Suso reference does not disclose wherein said radio antenna is formed by a conductive component of the camera that is insulated from a camera housing, but not electromagnetically shielded, said conductive component serving a non-communication purpose for said camera, such that said conductive component is not dedicated solely to communication and instead serves as both an element for a non-communication purpose of said camera and is also used as the radio antenna.

Gerszberg et al, US 5,949,474, discloses a communication device with an antenna (222) and the electronic components within the case of the device are appropriately shielded by a metal clamshell structure to insulate the antenna from the components to

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prevent unwanted interference from the radio frequency transmissions (see column 9, lines 28-32).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, to have said radio antenna formed by a conductive component of the camera that is insulated from a camera housing, but not electromagnetically shielded, in order to prevent unwanted interference from the radio frequency transmissions.

Martin et al., US 5,983,119, discloses a wireless communication device with an antenna moveably connected to the device housing to serve as an input device as well as and antenna (see column 1, line 43 to column 2, line 26).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, and further in view of Martin et al., US 5,983,119, to have said conductive component serving a non-communication purpose for said camera, such that said conductive component is not dedicated solely to communication and instead serves as both an element for a non-communication purpose of said camera and is also used as the radio antenna, in order for the user to control functions of the camera using the antenna, eliminating the need for extra buttons, thus saving space.

In regard to claim 13, Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, and further in view of Martin et al., US 5,983,119, discloses the camera according to claim 1.

The Official Notice taken in the previous office action stating that is well known in the art for a communication device to include a high frequency module connected to an antenna by a high frequency cable, in order to transmit data at the correct frequency so that the desired device may receive it is taken as prior art. Since the applicant has not timely traversed the old and well known statement, the above is now considered admitted prior art. See MPEP 2144.03 (c).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, and further in view of Martin et al., US 5,983,119, to have a communication device to include a high frequency module connected to an antenna by a high frequency cable, in order to transmit data at the correct frequency so that the desired device may receive it.

6. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474.

In regard to claim 1, Suso et al., 6,069,648, discloses a camera comprising:

a communication device (see figure 1a-c) which allows radio communication with other unit (see column 1, lines 47-50);

a radio antenna (see figure 1a, element 10), operatively connected with said communication device and outputting and/or receiving radio waves to/from said another unit (see column 3, lines 19-23), the radio antenna (see figure 1a, element 10) provided outside said camera housing at a portion of said camera where a user of said camera does not unconsciously touch or unconsciously cover

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said radio antenna during operation of said camera (see column 4, lines 33-34 and 47-51: It is inherent the a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of said camera, because the device is held by its sides with one hand as phones are usually operated or it stood on legs and since the antenna is on the top section of the device where it is not normally held, the user would be conscious of touching or covering it).

The Suso reference does not disclose wherein said radio antenna is formed by a conductive component of the camera that is insulated from a camera housing, but not electromagnetically shielded, said conductive component serving a non-communication purpose for said camera, such that said conductive component is not dedicated solely to communication and instead serves as both an element for a non-communication purpose of said camera and is also used as the radio antenna.

Gerszberg et al, US 5,949,474, discloses a communication device with an antenna (222) and the electronic components within the case of the device are appropriately shielded by a metal clamshell structure to insulate the antenna from the components to prevent unwanted interference from the radio frequency transmissions (see column 9, lines 28-32).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, to have said radio antenna formed by a conductive component of the camera that is insulated from a camera housing, but not electromagnetically shielded, in order to prevent unwanted interference from the radio frequency transmissions.

In regard to claims 2-12, Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, discloses the limitations of claim 1. The Suso and Gerszberg references do not disclose that the conductive component includes any one of a hot shoe to which an accessory is set, a reflector of a flash, a strap, a strap holding member, a ring member surrounding a lens, a camera operating button, a camera operating dial, a camera operating lever, a lens tube for supporting a lens therein, a cover of a battery, and a cover of a recording-medium storing section.

It is admitted prior art that it is well known in the art to configure any conductive component of an electronic communication device as an antenna in order to reduce the number of parts and miniaturize the device. The previous statement was taken as admitted prior art in the previous office action.

It would have been obvious to a person skilled in the art at the time of invention to be motivated to modify Suso et al., 6,069,648, in view of Gerszberg et al., US 5,949,474, to have the conductive component includes any one of hot shoe to which an accessory is set, a reflector of a flash, a strap, a strap holding member, a ring member surrounding a lens, a camera operating button, a camera operating dial, a camera operating lever, a lens tube for supporting a lens therein, a cover of a battery, and a cover of a recording-medium storing section, wherein said conductive component serving a non-communication purpose for said camera, such that said conductive component is not dedicated solely to communication and instead serves as both an element for a non-communication purpose of said camera and is also used as the radio antenna, in order to reduce the number of parts and miniaturize the device.

7. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332.

In regard to claims 14, Mack II et al., US 6,510,325, discloses a camera comprising:

- at least one member, strap (see figure 5, element 26);
- a communication device (see figure 1a) which allows radio communication with other unit (see column 2, lines 52-57);
- an antenna (see figure 1A, element 5) connected to the communication device for outputting and/or receiving radio waves to/from said another unit (see figure 6, lines 30-34).

The Mack reference does not disclose that the at least one member is connected to said communication device as a radio antenna for outputting and/or receiving radio waves to/from another unit, the at least one member is formed by a conductive component insulated from a camera housing, but not electromagnetically shielded.

Hanaoka et al., US 5,757,332, discloses a communication device with a strap antenna (3) that serves as both a strap and an antenna wherein the conductive material for the antenna is insulated from the rest of the device in the strap (see figures 1-8 and abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, to have the at least one member is connected to said communication device as a radio antenna for outputting and/or receiving radio waves

to/from another unit, the at least one member is formed by a conductive component insulated from a camera housing, but not electromagnetically shielded, in order to prevent unwanted interference from the radio frequency transmissions.

In regard to claim 15, Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, discloses the camera according to claim 14. The Mack reference discloses the at least one member, strap (26), is provided at a portion of said camera where a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of the camera (see column 7, lines 35-40: the strap is placed around the users head, so it is not covered or touched by the user operating the camera without being conscious of it).

In regard to claim 16-20, Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, discloses the camera according to claim 14. The Mack and Hanaoka references do not disclose that the conductive component is a hot shoe to which an accessory is set, a reflector of a flash, a strap setting member, lens tube, or a ring member.

It is admitted prior art that it is well known in the art to configure any conductive component of an electronic communication device as an antenna in order to reduce the number of parts and miniaturize the device. The previous statement was taken as admitted prior art in the previous office action.

It would have been obvious to a person skilled in the art at the time of invention to be motivated to modify Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, to have the conductive be a hot shoe, a reflector, a strap holding member, lens

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tube, or a ring member, wherein said conductive component serving a non-communication purpose for said camera, such that said conductive component is not dedicated solely to communication and instead serves as both an element for a non-communication purpose of said camera and is also used as the radio antenna, in order to reduce the number of parts and miniaturize the device.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER